



DPW

DOCKET NO. CRD 01145

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Howard Sommerfeld

Serial No.: 10/733,110

Group No.: 3617

Filed: December 11, 2003

Examiner: McCarry Jr., Robert

For: DRAFT GEAR ASSEMBLY

COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

**AMENDMENT TRANSMITTAL**

1. Transmitted herewith is an Amendment for this application.

**STATUS**

2. Applicant is  
☒ a small entity  
☐ other than a small entity.


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**CERTIFICATE OF MAILING (37 CFR 1.8a)**

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Susette Flaherty  
(Type or print name of person mailing paper)

Date: April 12, 2005

  
(Signature of person mailing paper)

## EXTENSION OF TIME

NOTE: "Extension of Time In Patent Cases (Supplemental Amendments)--If a timely and complete response has been filed after a Non Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34.35).

NOTE: See 37 CFR 1.645 for extensions of time in interference proceedings and 37 CFR 1.550(c) for extensions of time in reexamination proceedings.

3. The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply

(complete (a) or (b) as applicable)

- (a) ☐ Applicant petitions for an extension of time under 37 CFR 1.17(a) for the total number of months checked below:

	<u>Extension (months)</u>	<u>Fee for other than small entity</u>	<u>Fee for small entity</u>
<input type="checkbox"/>	one month	\$ 120.00	\$ 60.00
<input type="checkbox"/>	two months	\$ 450.00	\$225.00
<input type="checkbox"/>	three months	\$1,020.00	\$510.00

Fee \$ \_\_\_\_\_

If an additional extension of time is required please consider this a petition therefore.

(check and complete the next item, if applicable)

- ☐ An extension for \_\_\_\_ months has already been secured and the fee paid therefore of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$

OR

- (b) ☒ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

## FEE FOR CLAIMS

4. The fee for claims (37 CFR 1.16(b)(d)) has been calculated as shown below:

(Col. 1)	(Col. 2)	(Col. 3)	SMALL ENTITY	OTHER THAN SMALL ENTITY
CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDN. FEE
TOTAL ♦ 21	MINUS ♦♦ 21	- 0	x 25=	\$
INDEP. ♦ 2	MINUS ♦♦♦ 3	- 0	x100=	\$
[ ] FIRST PRESENTATION OF MULTIPLE DEP. CLAIM			+130=	\$
			TOTAL \$	OR TOTAL \$

ADDN. FEE \$ \_\_\_\_\_

- ♦ If the entry in Col. 1 is less than entry in Col. 2 write "0" in Col. 3.
  - ♦♦ If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, enter "20".
  - ♦♦♦ If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".
- The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

(complete (a) or (b) as applicable)

(a) ☒ No additional fee for claims is required.

**OR**

(b) ☐ Total additional fee for claims required \$ \_\_\_\_\_.

## FEE PAYMENT

5. ☐ Attached is check no. \_\_\_\_\_ in the sum of \$ \_\_\_\_\_ to cover the Extension of Time Fee.

☐ Payment by credit card. Form PTO-2038 is attached to cover the \$ \_\_\_\_\_ Extension of Time Fee.

## FEE DEFICIENCY

**NOTE:** If there is a fee deficiency and there is non authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, 1065 O.G. 31-33.

6. ☐ If any additional extension and/or fee is required, charge Account No. \_\_\_\_\_.

**AND/OR**

[ ] If any additional fee for claims is required, charge Account No. \_\_\_\_\_.

  
SIGNATURE OF AGENT

Michele K. Yoder  
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In re Application of: ) Group Art Unit: 3617  
)  
SOMMERFELD, Howard ) Examiner: McCarry Jr, Robert  
)  
Filed: December 11, 2003 ) Attorney Docket: CRD 01145  
)  
Serial No.: 10/733,110 )  
)  
For: Draft Gear Assembly ) Date: April 12, 2005

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MAIL STOP: NON-FEE AMENDMENT

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**RESPONSE**

Sir:

Applicant acknowledges that an Office Action dated January 12, 2005, pertaining to the above referenced patent application has been received. The Applicant is requested to reconsider his rejection of the claims in view of the following arguments.

**ARGUMENTS**

Claims 1-21 are rejected under the judicially created doctrine of double patenting over claims 1, 3, 5, 7-10 and 12 of U.S. Patent No. 5,590,797. It is the Examiner's position that